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ation of the city ought to be written down by something approaching 31%.

A de facto write-down is rapidly making itself felt. About 25% of the apartment buildings are already in arrears on their real estate taxes. About 90 of the city's 125 subsidized Mitchell-Lama projects for middle income residents are in various stages of default on their mortgages. A rent strike at the huge Coop City development, backed by many members of the city government, is the principal reason the State Housing Finance Agency is in financial jeopardy. The outright abandonment of apartments runs at about 40,000 housing units a year, or the equivalent of the entire housing stock in many smaller cities now asked to guarantee New York's debt.

Unless rent control is repealed, this hemorrhage will not only continue but accelerate. The city is devouring its own tax base just at the moment it is asking the rest of the nation to co-sign notes that base is supposed to pay off. Making the end of rent control the very first condition of any federal action is not a matter of ideology, but a matter of simple prudence.

The ACTING PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Under the previous order, the Senator from Colorado (Mr. GARY HART) is recognized for not to exceed 15 minutes.

LEAKS AND THE INTELLIGENCE COMMUNITY

Mr. GARY HART. Mr. President, almost 10 months ago, on January 27, 1975, the Senate Select Committee on Intelligence was established. At that time, few questioned the need for a full review of and inquiry into the U.S. intelligence community, although many doubted the ability of Congress to conduct such an inquiry in a responsible manner. Some predicted that the committee would become a sieve for State secrets. Others even charged that such an inquiry would hamper, if not destroy, the effectiveness of our intelligence agencies. Only a few weeks ago, the Secretary of Defense charged that leaks from congressional committees investigating the CIA had "dramatically reduced" the Agency's effectiveness. Although the Secretary did not specify what leaks he was referring to, his charge was directly related to the question of Congress ability to conduct such a sensitive investigation.

As member of the select committee, I am particularly disturbed by these charges. In the past, Congress has failed to provide adequate oversight of the CIA and other intelligence agencies, and Congress must now demonstrate its ability to conduct a thorough and complete inquiry, and do so in a responsible manner. ~~The record of the Senate select committee to date has demonstrated that Congress can do this job. The committee has not proved to be a sieve. No leaks of sensitive, national security information have come from the committee.~~

At the outset of the committee's inquiry, elaborate precautions were taken to prevent leaks. Tough committee rules, as well as security restrictions, were adopted. ~~The committee understood from the outset that any disclosure of sensitive sources or methods would be injurious to our legitimate intelligence activities and our relations with foreign~~

~~governments. The committee has, however, constantly faced the tension between the right of the public to know and the protection of legitimate national security interests. And, the committee has dealt with that tension in a responsible manner.~~

Despite these precautions, there have been leaks. None, to my knowledge, injurious to our national security, but leaks nevertheless. When leaks have occurred, many have concluded that they came from the committee. The record does not justify this conclusion. Leaks can come from many sources, as well as for many motives. ~~Many of the leaks during the course of this Committee's investigation have come not from the committee but from the White House or various agencies within the intelligence community, including the CIA and the FBI. Yet, it is difficult, if not impossible, to determine the specific source of leaks or the motives for them. Despite this fact, I would like to mention examples of leaks from sources which clearly are not committee-related.~~

ASSASSINATION

During the course of the committee's assassination inquiry, a number of key witnesses have gone straight to the press with their stories, either prior to or following their appearance before the committee. The first example of this was Richard Goodwin, a former Kennedy White House aide. Mr. Goodwin was a key witness in the committee's inquiry into the Trujillo assassination. Mr. Goodwin appeared before the committee on July 10 and 18. On July 19, the Washington Post reported essentially all Mr. Goodwin told the committee in executive session. Who was the source of the leak? None other than Mr. Goodwin himself.

The committee has also been looking into the assassination of former Congo leader Patrice Lumumba. A key witness in this case was Richard Bissell, former Deputy Director for plans of the CIA. I attended a closed session with Mr. Bissell to discuss his knowledge of this case and the next day I read a carefully selected revision of that testimony in the newspaper. The source? Richard Bissell.

CHILE

For several months now the committee has been looking into covert operations conducted by the CIA in Chile as well as into a specific case which involved the killing of a Chilean general, Rene Schneider. During the most intense period of investigation into the Schneider killing, two articles appeared in the New York Times discussing this case. The first article, on July 23, contained several references to material that had come to the committee's attention. One could not identify where the leak originated, for the article referred to "authoritative Government sources." A second article on Chile, which appeared in the New York Times 4 days later, helped to clear up this mystery. The article referred to a memorandum prepared by Richard Helms in the fall of 1970 on CIA activities in Chile. It referred to the Schneider incident. Although not pinpointing the person responsible for leaking this material, the article did establish one point beyond doubt—the select committee was not the

source. The reason is simple—the select committee had, by then, neither received nor knew of the Helms memorandum.

The Chile leaks reveal another interesting story. On September 2, 1975, a third New York Times article on Chile appeared. If one reads the first two Chile articles carefully, as the select committee did, and then looks at the third article, it is curious that these articles take on differing interpretations of essentially the same facts. There is, quite simply, a dispute in the articles over what was and was not authorized back in the fall of 1970. The first two articles interpret the authorization question in a light most favorable to the Nixon White House, the third article favored the CIA. There is an old metaphor about ships passing in the night; I would like to revise that in light of these leaks to state that we may have a case here of "bureaucracies clashing in the night."

NATIONAL SECURITY AGENCY

Recently the committee has been looking into the super-secret National Security Agency. The committee has been attempting to decide how most prudently to disclose the information we have gathered.

Throughout its investigation of the NSA, the committee has been most sensitive to charges that the disclosure of any information on the NSA would be harmful to U.S. national security interests. In fact, the select committee has delayed hearings on NSA for just that reason.

Nevertheless, numerous articles have appeared in recent days dealing with the NSA and discussing many of the same topics that his committee wanted to explore fully in closed session before going to public hearings. For example, on October 12, 1975, an article appeared in the New York Times stating that two former Presidents had received private reports from NSA on what prominent Americans were doing and saying abroad. The article cited "present and former Government officials" as sources. Another, more recent, Washington Post article, this time citing "informed intelligence community sources," discussed the NSA's interception of conversations of Jane Fonda, Benjamin Spock, and other leading antiwar figures in 1969 and 1970. These same "informed intelligence community sources" disclosed that these conversations were intercepted by NSA from overseas cable traffic. The article went on to reveal the code designations used for the intercept of these communications. The article was replete with references to "intelligence community" sources and, unless the select committee has become a part of the intelligence community, one must point the finger elsewhere for these leaks.

It is also interesting to note that a few days after the committee's last executive session on NSA, at which it decided to postpone temporarily public hearings, an article appeared in the Washington Post, which revealed, among other things, that NSA's advanced technology had made it possible to scan thousands of telephone conversations, cables, and other wire and radio communications, and select those with valuable na-

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tional security data. The article went on to say that the NSA has a "Watch List" of names including numerous leaders of the American antiwar movement. The source for this article? None other than "highly placed administration sources."

One further example of an NSA leak is worth noting. In an October 11 Los Angeles Times article, a "former high-ranking member of the U.S. intelligence community" told the Times that NSA has "an amazing capability"—beyond that of most other nations. According to this official and "another source involved in the system," the NSA gave the FBI secret data, purportedly for domestic security reasons. Also, the article stated that "according to knowledgeable officials" the NSA monitored millions of overseas phone calls as well as those within foreign countries as part of its code-breaking and foreign intelligence-gathering operations. Ironically, this same article noted that the select committee had abruptly postponed its hearings on this topic to honor the administration's request that the matter be further explored before public disclosure.

MAIL OPENINGS

On August 5, 1975, there appeared an article in the New York Times which stated that agents of the FBI opened and photographed foreign and domestic mail at several U.S. cities beginning in 1958, and continuing possibly until 1970. The source for this article was attributed to someone "with direct knowledge of the secret operation." Since neither members of the committee nor staff have ever participated in opening and photographing mail, it is obvious that no one connected with the committee could have "direct knowledge of the secret operation." The article went on to state that the source's account and the FBI's unusual confirmation of part of his account represented the first disclosure that, like the CIA, the FBI also participated in the opening and photographing of parcels and letters it believed to be of some intelligence value.

FBI BLACK BAG JOBS

On July 28, 1975, Newsweek magazine contained an article entitled "The FBI's 'Black Bag Boys'" which referred to FBI Director Clarence Kelley's confirmation that the FBI had, in the past, made "surreptitious entries" into various places, foreign embassies included, to obtain what if felt to be important information. The Newsweek article went on to say that "most intriguingly, the Director's disclosure also set other tongues wagging." The "other tongues wagging" included former FBI agents, as well as Justice Department officials. One Justice Department official, according to Newsweek, even disclosed the number of black bag jobs conducted by the FBI as well as the targets of these operations.

SHELLFISH TOXIN

Back in September the select committee held hearings on the failure of CIA officers to destroy deadly toxins in spite of a Presidential order to do so. The committee had originally planned to hold public hearings on this matter on September 9. It decided, however, to

postpone the hearings for a week in order to be more fully prepared. In the meantime, however, an article appeared in the Washington Post, quoting "informed sources," which leaked many of the details of this case which were to be disclosed by the committee. On the same day, there was a similar article in the New York Times.

It is interesting to note that "administration sources," if not directly responsible for the leak itself, responded very quickly to it. The Washington Post article stated that "administration sources acknowledged that the bacteriological material should have been destroyed but added that the substances wound up at Fort Detrick without any clear understanding that they were deadly or even dangerous." Clearly these "administration sources" were attempting to shed the best light on a rather bad story. The purpose of this leak, of course, was to attempt to pre-empt the committee's hearings.

Mr. President, far be it for any Member of Congress to cast the first stone when it comes to talking with the press. Attempting to deny that one is a source of a newspaper leak is about as easy as responding to the question of "when did you stop beating your wife?"

However, the Senate Select Committee on Intelligence has done an excellent job in this respect. It has stayed behind closed doors—and out of the press—when necessary, and issued public statements when appropriate.

Despite this fact, leaks have occurred and there are at least two motives. First, "highly placed administration sources," "authoritative Government sources," and "intelligence community sources," are leaking to protect their own bureaucratic and political interests. These sources want to get their side of the story in print first, hopefully in the most favorable light. Second, these leaks are a conscious attempt to preempt the public disclosures of this committee.

If there is one disease endemic to official Washington, it is hypocrisy. Hypocrisy is saying one thing and doing another. It is fashionable in Washington today to suggest possible misconduct by others, then, under the cover of that smokescreen, carry out such misconduct oneself. The record strongly supports a conclusion that such activities are going on here.

This sort of hypocrisy threatens to destroy even further the public's confidence in Government. The obvious examples of leaking cited here further undermine the credibility of our institutions and actions. It is time that we reject the games Washington plays. "Highly placed administration sources," Cabinet officers, and agency officials should either exercise self-restraint or stop criticizing, hypocritically, the Senate committee.

To date, those under investigation by the committee have played by different rules than those conducting the investigation. Nevertheless, this committee is constantly criticized for undermining the intelligence community's effectiveness. The blunt truth is that any damage done to intelligence agencies to date has not

been done by the committee but by the administration or agency sources themselves.

The committee has a very important job to do. It is performing its constitutional duty. The committee has attempted to demonstrate that it is not a sieve. It has attempted to be leak-proof. We would appreciate equally responsible action from witnesses who appear before the committee, "authoritative Government sources," "intelligence community sources," and all "informed sources"—whoever they may be.

Mr. President, I ask unanimous consent that newspaper articles documenting this statement be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From The Washington Post, Aug. 3, 1975]

SCHLESINGER SAYS LEAKS CURB CIA

(By Stan Crack)

Secretary of Defense James L. Schlesinger said leaks from congressional committees investigating the Central Intelligence Agency have "dramatically reduced" the agency's sources of information.

Asked by Sen. James L. Buckley (Cons.-R.-N.Y.) during a taped television interview set up by Buckley's office whether there is reason to fear that the leaks will undercut the willingness of foreign governments to work with the United States, Schlesinger replied, "I think we have more than reason to fear.

"I think that we recognize that the sources of information coming into the CIA have been dramatically reduced in both liaison relationships and in relation to the willingness of foreigners to work with our intelligence people."

Schlesinger, a former CIA director, called the problems "the inevitable effect of these kinds of revelations."

In the interview made public yesterday, which is to be released to New York television stations this week, Schlesinger rejected the argument that information from intelligence sources is not needed because photographs that U.S. satellites take are sufficient.

Such an argument is "a dramatic oversimplification," he said.

"Photographs, of course, can provide you with indications with respect to the growth of certain types of capabilities, but one must recognize that nobody has ever been able to photograph intentions," he said.

Because of the limitations of photographs, "all the elements of the intelligence community must be effective if the U.S. is to have eyes and ears in what continues to be a relatively dangerous world," he said.

He told Buckley he believes the world is "more dangerous than it was a year ago," citing "growing problems" from one end of the Mediterranean to the other and the aftermath of the "American debacle in Southeast Asia."

Reducing defense spending and increasing money spent on public works would augment instead of solve the unemployment problem, Schlesinger said.

Schlesinger said those who favor such a reduction "tend to forget the most valuable of social welfare services that a society can provide for its citizens is to keep them alive and free."

Schlesinger also said NATO members in Europe face a greater morale problem than the United States, but denied that they are not shouldering their military burden.

With 2.5 million men under arms, the NATO allies far outnumber the 300,000 Americans in Europe, he said. These coun-

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tries "cannot individually and at the present time collectively stand up against the Soviet Union without the backbone that is represented by another superpower," he said.

[From the Washington Star, Aug. 3, 1975]

HILL LEAKS HURT CIA—SCHLESINGER

Secretary of Defense James R. Schlesinger said yesterday the CIA's sources of information abroad "have been dramatically reduced" as a result of leaks from congressional investigating committees.

Schlesinger, who formerly headed the CIA, was asked by Sen. James Buckley, R-N.Y., in a recorded television interview whether "we have reason to fear that the willingness of foreign governments to work with us is being undercut" because of CIA secrets made public.

"I think we have more than reason to fear," Schlesinger replied.

"I think that we recognize that the sources of information coming into the CIA have been dramatically reduced in both liaison relationships and in relation to the willingness of foreigners to work with our intelligence people and that is an inevitable effect of these kinds of revelations."

Schlesinger dismissed as "a dramatic oversimplification" the notion that the only kind of intelligence the United States needs is that which is provided by spy satellites.

"Photographs, of course, can provide you with indications with respect to the growth of certain types of capabilities, but one must recognize that nobody has ever been able to photograph intentions," Schlesinger said.

"The only way we are ever able to get at intentions is through normal human intelligence and, in addition to that, there are various technical parameters that one can never learn through photographs.

The defense chief said that, in his opinion, the world is in a more dangerous state than it was a year ago.

"From one end of the Mediterranean to the other end of the Mediterranean there are growing problems," he said.

[From the Boston Globe, July 19, 1975]

JFK RULED OUT U.S. ROLE IN TRUJILLO DEATH, AIDE SAYS

(By George Lardner, Jr.)

WASHINGTON.—President Kennedy personally ruled out U.S. involvement in the assassination of Rafael Trujillo shortly before the Dominican dictator was killed in May 1961, according to a former Kennedy White House aide.

Richard Goodwin, who was Mr. Kennedy's principal advisor on Latin American affairs, said the President not only disapproved of U.S. participation in the scheme, but inserted a strong warning against such involvement in a May 1961 cable to the U.S. consul general in the Dominican Republic.

"He said, Look, if Trujillo goes, he goes, but why are we pushing that?" Goodwin recalled of a conversation he had with Mr. Kennedy at the time.

The injunction the President laid down in the cable, Goodwin added, stated that the "U.S., as a matter of general policy, cannot condone assassination."

Then an assistant special counsel to the President, Goodwin said he was speaking up publicly now to refute suggestions that John F. Kennedy, who was sworn in as President on Jan. 21, 1961, may have known and even approved of CIA complicity in efforts to kill foreign leaders.

Evidence Goodwin cited suggested, instead, that high officials of the Eisenhower Administration had encouraged such undertakings.

In an interview, Goodwin said for example, that on Jan. 12, 1961, while Eisenhower was still President, the White House's so-called special group in charge of covert CIA operations authorized the CIA to turn over sev-

eral guns to certain Dominican dissidents who were later involved in the Trujillo assassination.

Three .38-caliber revolvers and three carbines with accompanying ammunition, it was confirmed by other sources, were handed over to the dissident group.

The special group had approved the transfer only on the condition that it take place outside the Dominican Republic—with the understanding that the underground rebels would have to smuggle the guns into the country themselves.

The CIA, however, sent them straight to Ciudad Trujillo (now Santo Domingo) in a diplomatic pouch, Goodwin declared. The guns were turned over to the dissidents with the help of Henry Dearborn, the U.S. consul general there.

Trujillo had a very tight grip on the country, another source said, and the rebels were unable to work out their own method of getting the guns in.

Alluding to the documents he saw as a White House aide, Goodwin said the revolvers and carbines were depicted by the CIA as intended for the personal defense of the dissidents "attendant to their projected efforts to neutralize Trujillo."

According to evidence now in the hands of the Senate Intelligence Committee, the CIA also sent four .45-caliber submachine guns and some grenades to the Dominican Republic, apparently in another diplomatic pouch. The CIA informed the White House on May 13, 1961, that these, too, could be provided to the anti-Trujillo group "for their use in personal defense" if authorization were granted.

Goodwin said he vetoed the suggestion, at Mr. Kennedy's instructions, in the same late May cablegram to Dearborn.

Dearborn, now retired, declined to comment. However, he worked closely with both pro-U.S. dissidents and the CIA at the time.

Dearborn, it was learned, doubled as the CIA's unofficial station chief in the Dominican Republic for several months in 1960, when the United States withdrew its diplomatic recognition of the country, and called back many of its employees, including CIA personnel.

There is no evidence that the carbines or the revolvers were used when Trujillo was gunned down on May 30, 1961, Goodwin said, but he maintained that the machine guns were sought for that purpose. "They weren't intended for personal defense," he declared.

Another source maintained that the CIA guns, were all sought simply as a token to satisfy the skeptics among them that the United States supported their efforts to overthrow Trujillo.

[From The Washington Post, July 10, 1975]

CIA-MAFIA LINKS CONFIRMED

(By Robert L. Jackson)

A former chief of clandestine services for the Central Intelligence Agency said yesterday he personally approved CIA cooperation with Mafia figures who wanted to assassinate Cuban Premier Fidel Castro in 1960.

Richard M. Bissell, the ex-CIA official, said in an interview that he also believed the late Allen W. Dulles, then director of the CIA, received regular reports on the Mafia connection.

Bissell's statements marked the first time a former member of the CIA hierarchy had acknowledged responsibility for the unusual cooperation in the early 1960s between the underworld and U.S. intelligence planners.

Lawrence B. Houston, former CIA general counsel, told reporters last week that he first learned about the CIA-Mafia links in April, 1962, from the late Col. Sheffield Edwards, then the agency's director of security.

Houston said he never authorized these arrangements and insisted that he and Ed-

wards immediately brief Attorney General Robert F. Kennedy about the contacts. Houston said he doubted Edwards had acted alone in arranging the contacts.

Bissell said arrangements with the Mafia were handled by Edwards' office through Robert A. Maheu.

Maheu, a former top aide to industrialist Howard Hughes, gave his first closed door testimony to Senate CIA investigators yesterday after being granted immunity from prosecution earlier this month. Maheu has said he will meet with reporters today if he completes his testimony.

Bissell said Edwards had arranged the highly secret cooperation with underworld figures Sam Giancana and Johnny Rosselli, but that Bissell—outranking Edwards—also approved it.

Bissell said the Mafia work was not under his personal direction, however.

"In everything related to this matter, I believe Edwards reported directly to Dulles—with my knowledge and concurrence," Bissell said.

Bissell said these arrangements began in the waning months of the Eisenhower administration as plans were also being made for Cuban expatriates to invade their homeland. These plans ended in the disastrous Bay of Pigs invasion in April, 1961, in the early days of the Kennedy administration.

Rosselli has reportedly told Senate investigators that he helped plan or direct about six attempts on Castro's life in the early 1960s.

Bissell, when asked how cooperation with the Mafia arose, said: "I think the history is very uncertain as to whose original idea it was."

Giancana or other Mafia members might have suggested it themselves, he said, because "they did have very large interests in Cuba that were totally eclipsed or destroyed by Castro."

"I believe the record shows that they worked without pay (for the CIA) for the most part," he said.

Other government sources have said the Mafia wanted to remove Castro from power to reopen lucrative gambling operations in Havana that Castro had closed down.

Bissell, a top planner of the Bay of Pigs invasion, left the CIA in February, 1961, during a Kennedy administration shakeup of the agency. He said he did not know how long the Mafia work continued, although others have said Rosselli's anti-Castro plans continued until 1963.

It was learned that Bissell has told Senate investigators he knew assassination plans would be made when he approved the Mafia cooperation, but doubted the Mafia could ever execute such plans.

He said he had "no clear recollection or hard evidence" that the White House or Attorney General Kennedy knew about any assassination plans.

[From the Washington Post, Sept. 12, 1975]

LUMUMBA DEATH PLAN TOLD

The Central Intelligence Agency in 1960 explored ways to poison Congolese leader Patrice Lumumba, a former head of the agency's clandestine operations said yesterday.

In an interview, Richard M. Bissell said, "There was an occasion when the feasibility of an action of that kind was investigated," but he added that he personally decided not to implement the plans "for various operational reasons."

Then-CIA director Allen Dulles was aware of the planning effort, Bissell said, but said he did not know whether anyone outside the agency was informed.

"To the best of my knowledge and belief" the CIA had nothing to do with Lumumba's death in early 1961, Bissell said.

"The particular operation that was looked into was aborted for reasons which did not

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have anything to do with events in the Congo," Bissell said. "There was a decision within the agency not to carry the operation beyond the feasibility stage."

Bissell, who left the agency in the wake of the Bay of Pigs fiasco, said he could not recall any of the operational details of the plan. He said he could not identify what kind of poison was to be used or even "whether it was lethal or incapacitating."

He specifically refused to make any connection between plans to poison Lumumba and the cache of deadly poisons recently discovered at a CIA laboratory.

According to Bissell, the planning effort would have consisted, among other things, of development of a suitable poison by the agency's Technical Services Division and investigation by agents in the field of whether it was possible to administer the poison to Lumumba.

[From the Los Angeles Times, May 31, 1975]
CASTRO REMOVAL PLAN—EX-GENERAL CITES KENNEDY ORDERS

WASHINGTON.—Retired Maj. Gen. Edward G. Lansdale said Friday that, acting on orders from President John F. Kennedy delivered through an intermediary, he developed plans for removing Cuban Premier Fidel Castro by any means including assassination. "I just wanted to see if the United States had any such capabilities," the former Air Force officer and expert on counterinsurgency tactics said. In a telephone interview, Lansdale stressed that his planning effort included other means, such as a coup, for removing Castro from power.

Asked if any attempts against Castro's life were made as a result of his project, Lansdale said, "Certainly nothing I ever heard about. Nothing was ever initiated on it as far as I know."

However, a source familiar with the tentative findings of the Rockefeller commission on the Central Intelligence Agency said he had been told that some subsequent assassination efforts were undertaken.

Although Lansdale avoided using the word "assassination," he twice replied in the affirmative to the specific question of whether assassination was one of the means he considered.

"I was working for the highest authority in the land," Lansdale said of the report. Asked to be more specific, Lansdale replied, "It was the President."

Lansdale said he did not deal directly with President Kennedy on the project but worked through an intermediary. Asked if the intermediary was McGeorge Bundy, then President Kennedy's assistant for national security affairs, Lansdale replied, "No it was someone much more intimate."

He refused to provide the intermediary name for the record.

Lansdale said he was assigned to the project in 1962 when the U.S. first received intelligence that Castro was prepared to install Soviet-made nuclear missiles in Cuba. "It was something that was very closely held then and still is," Lansdale said.

Last week, the Associated Press identified Lansdale as the author of an August, 1962, memo, now in the possession of the Rockefeller commission, that authoritative sources said provided the CIA with authority to develop contingency plans for the assassination of Castro. Lansdale maintained, as he had last week, that he did not remember the memo, but he acknowledged that it would not have been "incompatible" with his assigned task.

"I didn't know what all the potentials were," Lansdale said, "the feasibilities, the practicalities of doing something like that." In response to a question, Lansdale confirmed that the phrase "something like that" included the possibility of assassination.

In previous interviews, Lansdale had refused to discuss his role in the anti-Cuban

operations that informed sources have said were directed by a special Cabinet-level group headed by then Atty. Gen. Robert F. Kennedy and titled Operation Mongoose.

Other members of the group included Bundy, CIA director John A. McCone, Secretary of Defense Robert S. McNamara and Secretary of State Dean Rusk. The Rockefeller commission reportedly has obtained the minutes of an Aug. 10, 1962, meeting of this group, the official title of which was Special Group (Augmented), that indicate that the subject of assassination was discussed.

The minutes show that Robert Kennedy was not present, sources have said.

Although Lansdale is officially listed as an assistant to the secretary of defense in August, 1962, McNamara objected to the description of Lansdale as a McNamara assistant. "I had no personal knowledge of what he was doing," McNamara said.

[From The New York Times, July 23, 1975]
TO NIXON ORDER TO C.I.A. TO BALK ALLENDE REPORTED—PRESIDENT'S AUTHORIZATION TERMED CAUSE OF AGENCY'S ROLE IN MILITARY PLOTS TO THWART MARXIST'S ELECTION (By Nicholas M. Horrocks)

WASHINGTON, July 23.—President Richard M. Nixon authorized the Central Intelligence Agency to make, a last-ditch, all-out effort in September, 1970, to keep Salvador Allende Gossens from becoming President of Chile, authoritative Government sources said today.

As a result of the assignment, the sources said, the C.I.A. became involved in the planning of two military coups d'état—planning that included proposals to kidnap Gen. René Schneider, Chief of Staff of the Chilean Army.

Theoretically, the kidnapping of General Schneider would have given the Chilean military a justification for declaring martial law and assuming the powers of government.

The sources said that the C.I.A. tried later to stop the carrying out of one plan, but that it went forward nevertheless and General Schneider was killed by Chilean military plotters in the kidnap attempt.

In the other plot, the agency was said to have supplied insurgents with three machine guns and with tear-gas grenades. When it was discerned that the plot could not get broad political support it was halted and the guns were later returned to the C.I.A. unused, the sources said.

Henry A. Kissinger, then President Nixon's assistant for national security affairs, was briefed about the first plot on Oct. 13, 1970, by Thomas J. Karamessines, then chief of covert operations for the intelligence agency, the sources said. Mr. Karamessines reportedly told Mr. Kissinger the plot had little chance of success and it was at that point the two agreed it should be halted.

Mr. Kissinger has told President Ford of this plot, Administration sources said, but has said he did not know that the C.I.A. was negotiating with yet another group. Intelligence sources said, however, that agency officials felt Mr. Nixon's orders to block Mr. Allende, each were strongly worded, constituted a blanket authorization for their activities.

CONTRADICTIONS INVESTIGATED

Reports in The New York Times last fall indicated that the C.I.A. was involved in efforts to stop Mr. Allende from assuming the Presidency. But in these accounts and in subsequent Congressional hearings the efforts appeared to be limited to the secret financing of opposition parties and labor unions. The latest disclosures are the first confirmation that President Nixon and the C.I.A. contemplated military coups or the violent take-over of the Chilean Government.

The new information, with copies of Congressional testimony in 1973 by Richard M. Helms, then Director of Central Intelligence, have been forwarded to the Department of

Justice for study on whether the contradictions may constitute perjury, the sources confirmed.

Mr. Helms testified on Chile before a Senate committee as early as May, 1973, and later a connection with his confirmation as United States Ambassador to Iran. He also testified at a Senate Foreign Relations Committee hearing on Chile earlier this year. There are contradictions in his testimony over the depth and extent of C.I.A. activities against Mr. Allende.

KISSINGER'S TESTIMONY SOUGHT

Meanwhile, Senator Frank Church, chairman of the Senate Select Committee on Intelligence announced today that the committee would call Mr. Kissinger to testify on the "line of authority implementing the Nixon policy toward Chile." The Idaho Democrat said that Mr. Kissinger could offer insight into the extent of the knowledge and control exercised by the policy-makers.

The announcement brought a sharp reaction from Roderick Hills, a counsel to President Ford. He said the request for Mr. Kissinger's testimony was abrupt and was not handled with the same courtesy he knew the committee had extended to other witnesses.

The committee, Mr. Hills said, had made no attempt to send out what Mr. Kissinger could really add on the question. He said, however, that his action should not "in any way" indicate that Mr. Kissinger would attempt to avoid fortifying.

Government sources and sources within the intelligence community gave this report on the fast-paced events of the fall of 1970:

On Sept. 15, 1970, 11 days after Mr. Allende a Marxist, had won the presidential elections by a plurality, President Nixon called a secret meeting at the White House. It was attended by Mr. Kissinger, Mr. Helms and John Mitchell, then Attorney General.

The meeting was unusual because it was out of the normal channels of transmitting instructions to the C.I.A. Under the law and in practice CIA covert operations are passed on by the 40 Committee, a top level White House security group, and transmitted through the national Security Council. It is unclear whether the matter ever reached the agenda of the committee.

Mr. Nixon was, one source said, "extremelytitanious" about Mr. Allende's rise to power in Chile. Another source said the former President was "frantic." He told Mr. Helms in "strong language" that the CIA was not doing enough in the situation and it had better "come up with some ideas." He said that money was no object and authorized an initial expenditure of \$10-million to unseat the Chilean Marxist.

CIA'S EFFORTS REDOUBLED

Notes on the meeting, however, do not indicate that Mr. Nixon ever specifically ordered the CIA to arrange a coup d'état in Chile. But the "tone" of the meeting, one source said, was "do everything you can."

The agency redoubled its efforts. Mr. Karamessines, deputy director of plans at CIA and thus the chief covert operator went to Chile himself, one source said.

On Oct. 13, 1970, Mr. Karamessines briefed Mr. Kissinger on the CIA's progress. He told Mr. Kissinger that Brig. Gen. Roberto Viaux, who had recently retired from the Chilean Army, was plotting to kidnap General Schneider as the prelude to a military take-over. Mr. Karamessines said, however, that it was the opinion of the CIA that General Viaux's project could not succeed. Mr. Kissinger told the CIA to "keep the pressure up" and keep the CIA's "assets" in Chile up to par, but agreed that this plan should not go forward.

He told the agency to try to halt General Viaux plot. These sources said that CIA cable traffic, copies of which are in the hands of the Senate Select Committee on Intelli-

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gence, indicate that the CIA did make an effort to halt the plan.

PLOT GOES FORWARD

Nevertheless, General Viaux's plot went forward. On October 22, 48 hours before the Chilean Congress was scheduled to vote on Mr. Allende's election—the fact that he had not won a majority threw the decision into Congress—an attempt was made to kidnap General Schneider. When it appeared the general was going to resist, these sources said he was killed by three .45 caliber bullets, according to Chilean press accounts.

However, between the Oct. 13 meeting and the killing of General Schneider on Oct. 22, these sources said, the C.I.A. was negotiating with a completely separate group of plotters. A group of military officers under Gen. Camillo Valenzuela, then commander of the Santiago army garrison, was also planning to kidnap General Schneider to pave the way for a military take-over.

The C.I.A. these sources said, at first had greater confidence in General Valenzuela's plot. Accordingly, officials at the agency headquarters at Langley, Va., authorized the C.I.A. station in Santiago to give the insurgents three machine guns and tear gas grenades for use in a kidnapping attempt. The authorization was issued on Sunday, Oct. 24.

But within hours the C.I.A. had ascertained that the Valenzuela coup not get sufficient political support to succeed and that Jorge Alessandri Rodriguez of the right-wing National party, the runner-up in the election, would not accept the presidency. Nevertheless, apparently on the order of C.I.A. officials in Santiago, the guns and tear gas were reportedly given to the conspirators. They were later returned to the agency unused.

After Mr. Allende had been confirmed and had assumed office, the agency secretly sent money to the families of men arrested in General Viaux's abortive plot, the sources said. The money, one source said, was paid to "keep the families quiet about the contacts with C.I.A."

NIXON REPORTED TOLD

According to the sources, Mr. Kissinger told President Ford after Mr. Nixon had resigned, of the stepped-up effort to unseat Mr. Allende and about the Viaux plot. But Mr. Kissinger has maintained, in private conversations, that he never knew about the second plot, the sources said.

Mr. Kissinger has said, in these private conversations, that had the C.I.A. proposed a military coup in Chile the agency would presumably have come back to him and outlined the plot, and the President and the 40 Committee would either have authorized or prohibited it.

The 40 Committee is a special group under the National Security Council that passes on all covert operations.

One source said that the 40 Committee had approved all covert activities in Chile except the involvement in the Viaux and Valenzuela affairs. But another source said that "from the beginning it appeared the matter was being handled on its own special track."

Another source said that C.I.A. officials had felt that the President's strongly worded assignment on Sept. 15, 1970, was a "blanket authorization" to become involved in planning for a military take-over.

MISTAKE IS CONCEDED

Since the military coup in September, 1973, in which President Allende was killed, there has been a growing national inquiry into the role of Mr. Kissinger and the C.I.A. in efforts to undermine the Chilean Government. When Mr. Helms testified before the Senate Foreign Relations Committee during hearings in 1973 on his nomination as ambassador, he gave very scanty testimony on the Chilean matter.

Earlier this year, in private testimony later made public, Mr. Helms told the Senators he

had "made a mistake in his earlier testimony" in that he had not revealed that President Nixon wanted President Allende's Government overthrown.

In other testimony this year, Mr. Helms said there had been a "probe" to see if there were any forces in Chile to oppose Dr. Allende's advent as President.

"It was very quickly established there were not," he added, "and therefore no further effort was made along those lines to the best of my knowledge, at least I know of none."

Mr. Helms returned to Teheran, where he is Ambassador. He could not be reached by The New York Times today.

[From the New York Times, July 27, 1975]

HELMS LINKED TO C.I.A. MEMO FOR KISSINGER AND MITCHELL ON PLOT IN CHILE

(By Nicholas M. Horrock)

WASHINGTON, July 26.—Richard Helms, while director of the Central Intelligence Agency, prepared a memorandum in the fall of 1970 informing Henry Kissinger and John N. Mitchell that the agency had supplied machine guns and tear-gas grenades to men plotting to overthrow the Chilean Government, authoritative Government sources said today.

The memorandum may become crucial evidence as the Senate Select Committee on Intelligence attempts to learn who authorized the C.I.A. to become involved in planning two military coups in Chile in October, 1970.

One of the plans resulted in the death of General Rene Schneider, Chief of Staff of the Chilean Army.

According to sources who have seen the memorandum, it was written by Mr. Helms after the plot involving the machine guns had been called off. It was in the sense, they said, of an "advisory" to the Administration of President Richard M. Nixon on C.I.A. activities.

The memorandum was written to Mr. Mitchell, then Attorney General, and was to have been passed on to Mr. Kissinger, then assistant to Nixon for National security affairs.

But, these sources said, there is no evidence that either Mr. Kissinger or Mr. Mitchell received the document.

Neither Mr. Kissinger nor Mr. Mitchell could be reached for comment. But Mr. Kissinger is reported to have told associates in private conversations that he was unaware the C.I.A. had smuggled machine guns and tear gas grenades to Chilean insurrectionists.

Mr. Kissinger has said however, that he was aware of an earlier plot to kidnap General Schneider and spark a military coup that both he and the C.I.A. agreed to stop.

The Helms memorandum was part of a collection of Mr. Helms' papers and files that were turned over to the Rockefeller commission by William E. Colby, Director of Central Intelligence. Although the eight-man commission, headed by Vice President Rockefeller, was concentrating on alleged domestic wrongdoing by the C.I.A. its staff did review the documents.

AGENCY LINKED TO PLOTS

The Rockefeller staff concluded from its review that the C.I.A. did not plot to assassinate anyone in Chile, but it found substantial evidence that the agency had become involved in planning a military take-over.

On Thursday, The New York Times quoted authoritative Government sources as having said that on Sept. 15, 1970, President Nixon ordered the C.I.A. to make an all-out, last minute effort to keep Salvador Allende Gossens from becoming President of Chile.

Mr. Allende won the Presidency by a plurality early in September and his election was to be certified by the Chilean Parliament late in October. The United States feared that he would create a hostile Marxist government.

In this six-week period, these sources said, the C.I.A. became involved in two separate plots to seize power in Chile by military means. Both plots involved the kidnapping General Schneider, a highly respected military leader, and inducement of the army to take power.

On Oct. 13, 1970, Thomas J. Karamessines, then chief of the agency's covert operations, briefed Mr. Kissinger about its progress in Chile. He told Mr. Kissinger, these sources said, that a group of retired military officers planned to abduct General Schneider.

But Mr. Karamessines warned Mr. Kissinger that it was the C.I.A.'s opinion that the plot could not succeed. The two agreed to try to halt it, according to the sources. They said there were copies of cablegrams in which the C.I.A. tried to head off the plan.

The conspiracy went ahead, however, and General Schneider was killed on Oct. 22, 1970.

Meanwhile, the sources said, the C.I.A. was conspiring with the commander of the Santiago garrison in a similar plot. The agency felt at one point that this endeavor had more chance of success, and authorized C.I.A. employees in Chile to give the plotters three machine guns and tear-gas grenades.

At the last minute, this plot also appeared to be doomed to failure, and the tear gas and guns, unused, were returned to the C.I.A.

It was at this point, in the last days of October or early in November, the sources said, that Mr. Helms prepared the advisory memorandum to Mr. Mitchell and Mr. Kissinger.

Intelligence sources have said the C.I.A. became involved in planning the coups under the general authorization of President Nixon on Sept. 15, 1970. However, there are no documents showing that Mr. Nixon told the C.I.A. to plan a coup, they said.

Mr. Kissinger has made few public statements concerning the role of the C.I.A. in undermining the Allende Government. However, in his 1973 Senate confirmation hearings as Secretary of State, Mr. Kissinger testified in closed hearings:

"The intent of the United States Government was not to destabilize or to subvert him [Mr. Allende] but to keep in being those political parties that had traditionally contested the elections. Our concern was the election of 1976 and not at all with a coup in 1973, about which we had nothing to do with."

[From the New York Times, Sept. 3, 1975]

PENTAGON ROLE REPORTED IN '70 PLOT AGAINST ALLENDE

(By Nicholas M. Horrock)

WASHINGTON, Sept. 2.—The Defense Department ordered the United States military attaché in Chile to give strong covert support to an October, 1970, plan for a military coup aimed at keeping Salvador Allende Gossens out of the Chilean presidency, sources familiar with the operation reported today.

According to the sources, the Defense Department sent "at least two cables" between Oct. 2, 1970, urging Col. Paul Wimert, then military attaché in Chile to secretly assure Chilean military officers plotting a coup that the United States would give them total support "short of troops," as one source put it.

Dr. Allende led a left-wing coalition including the Chilean Communist party to an election victory in September, 1970. The election had to be confirmed by the Chilean congress because Dr. Allende lacked a majority. This was done in October. Dr. Allende did not take office until November.

The information on that period was gathered by the Senate Select Committee on Intelligence.

WIDER OPERATION SEEN

Evidence submitted on the role of the Defense Department in the plotting of military coups in Chile appears to indicate that

Involvement was not limited to the Central Intelligence Agency.

On July 24, 1975, The New York Times quoted intelligence sources who said that on Sept. 15, 1970, President Nixon ordered an all-out last-minute attempt to keep Dr. Allende from becoming president of Chile.

Acting on this general instruction, the sources said, the CIA learned of two plots for a military take-over in Chile, one involving retired personnel and one involving officers on active duty. One of the plots, put into effect on Oct. 22, resulted in the death of Gen. René Schneider, chief of the Chilean General Staff.

Secretary of State Kissinger, who has testified before the committee, has said publicly that he knew of no assassination plots. Privately he has reportedly acknowledged that he learned of one coup plan, but that he and CIA officials opposed it.

PLOT DISCUSSED

On Oct. 15, 1970, several sources said, Mr. Kissinger, then Presidential Assistant for National Security Affairs; Col. Alexander M. Haig Jr., his deputy, and Thomas J. Karamessines, then chief of the C.I.A.'s under-cover operations, met to discuss Chile. At this meeting, the sources said, Mr. Kissinger agreed with Mr. Karamessines that one of the plots in Chile was unlikely to succeed and should not go forward.

But, Senate investigators have been told, Colonel Haig and Mr. Karamessines met the next day—Oct. 16, 1970—and support for another plot in Chile was discussed.

The C.I.A., these sources said, received "tacit" approval to go ahead and support this plot. Whether the approval came from Mr. Kissinger, President Nixon "or other channels" is in dispute in the testimony, several sources said.

It was after the Haig-Karamessines meeting, however, that the Defense Department cabled Colonel Wimert his instructions.

Colonel Wimert was brought before the committee last month as a "secret witness." He declined to comment today on the matter.

"That is behind me now," he said. "I'm retired. I can look myself in the mirror when I shave. I don't want to get back into hat business." He advised that facts be checked very carefully.

After hearing that such orders had been given Colonel Wimert, the Senate committee interviewed former officials of the Defense Intelligence Agency, which was a conduit for the cables sent to Colonel Wimert. "There apparently is some dispute over who signed the cables and who authorized them," a source said.

It was during the critical days between Oct. 15 and Oct. 22—the Chilean Congress was due to make its decision on Dec. 24—that the C.I.A. authorized three machine guns and a quantity of tear gas grenades be given to one group of military plotters. Before the plot could be put into effect. However, another group of plotters attempted to kidnap General Schneider. Theoretically this would have given the military justification for declaring martial law and assuming the powers of government. The General was shot during the attempt and died a few days later.

Chilean political leaders to the right of Mr. Allende then apparently declined to support any other plots. Mr. Allende assumed office the next month.

Complicating the matter is that in remarks about United States involvement in Chile in that period made at a news conference last fall, President Ford said the involvement was intended only to "assist the preservation of opposition newspapers and electronic media and to preserve opposition political parties."

NSA FED GOSSIP TO PRESIDENTS

(By Nicholas M. Horrock)

Presidents Richard M. Nixon and Lyndon B. Johnson received private reports from the National Security Agency on what prominent Americans were doing and saying abroad, apparently obtained from electronic eavesdropping, according to present and former government officials.

These sources said yesterday the reports were not matters of national security and did not come to the presidents through normal intelligence channels.

Instead, they said, they were sent directly from NSA to the presidents and marked for "White House distribution only" to prevent their being circulated to other intelligence agencies.

The existence of this type of reporting has been made known to both the Senate and House intelligence committees, and they are investigating.

Several sources raised the question of whether it was a proper use of NSA facilities to gather and make such reports. They said there are also questions of improper intrusion on the privacy of the Americans.

A spokesman for NSA said the agency had no comment. NSA officials as a matter of routine have never made comments on stories about the agency's operations.

In one case, a source reported, the NSA dispatch informed Johnson that a group of Texas businessmen involved in private negotiations in the Middle East had claimed a private relationship with him to improve their bargaining position.

Another source said Johnson received details about Sen. Robert F. Kennedy's personal activities and nightlife in Paris from intelligence sources. He could not confirm that the material came from NSA.

Nixon received similar reports, particularly on businessmen, a third source said.

There is no indication that the practice was exclusive to either Nixon or Johnson, but The New York Times was unable to confirm instances in any other administration.

A senior aide to President Ford said privately that he believed Ford "would not tolerate this practice," and that to his knowledge no such reports had been delivered.

The sources familiar with the private reports said they appeared to be "unsolicited" and were "gossipy" in nature.

One account of testimony by NSA officials at a closed session of the House intelligence committee several weeks ago indicated the agency picked up information of what Americans might privately say to foreign governments by eavesdropping on the communications of those governments and their embassies in Washington.

But other sources said NSA ability to gather information on the movement of prominent American business and professional leaders abroad can be far more direct. NSA monitors virtually all foreign cable traffic and many businesses send enormous amounts of top-level information by cable, these sources said.

[From the Washington Post, Oct. 13, 1975]

MESSAGES OF ACTIVISTS INTERCEPTED

(By Bob Woodward)

The National Security Agency intercepted conversations of Jane Fonda, Dr. Benjamin Spock and other leading antiwar figures in 1969 and 1970, according to informed intelligence community sources.

The communications were intercepted by the NSA from overseas cable traffic, some domestic telegrams and long-distance telephone calls, the sources said. Transcripts were then circulated to top government officials under one of the nation's most highly classified and closely held code designations, they said.

At least 150 messages of conversations and communications of antiwar leaders were routed to the chairman of the Joint Chiefs of Staff and other officials under a special intelligence designation in the "Gamma" series for sensitive communications intercepts, the sources said.

Special officers in the CIA, FBI and the counterintelligence unit of the Defense Intelligence Agency were designated to receive and handle these messages, according to the sources.

The sources revealed the exact code designation in the Gamma series used for the intercepts of the communications of antiwar figures, but an intelligence official suggested last week that it would be imprudent to make it public.

The National Security Agency used a similar designation in the Gamma series—the designation "Gamma Guppy"—for the communications it monitored from the limousine radio calls of Soviet Union officials in Moscow. This project was first reported in newspapers in 1971.

The Gamma designations were reserved exclusively for intercepts of Russian communications until the NSA received orders in 1969 to use the same sensitive methods and procedures to monitor the communications of U.S. antiwar leaders, the sources said. It could not be learned who issued the orders.

In addition to Fonda and Spock, the NSA monitored communications of "Chicago Seven" defendants Abbie Hoffman and David T. Dellinger and former Black Panther leader Eldridge Cleaver, the sources said.

All these persons traveled extensively abroad and throughout this country during 1969 and 1970. Cleaver, for example, visited Cuba, Algeria, Sweden and North Vietnam during this period. Virtually all the intercepted messages were short and involved travel plans or appointments, the sources said.

Under another, less sensitive code designation, the NSA, also obtained and circulated information on the personal life of Rev. Ralph Abernathy, Dr. Martin Luther King's successor as head of the Southern Christian Leadership Conference, the sources said. It could not be determined how the NSA came by this information.

Those familiar with the monitoring programs said the conversations involving top Soviet leaders would come in one moment and those of the antiwar personalities the next.

"What Brezhnev and Jane Fonda said got about the same treatment," one source said.

The National Security Agency is in charge of protecting communications security and U.S. message codes while attempting to intercept and break the messages and codes of foreign powers. NSA Director Lt. Gen. Lew Allen Jr. said through a spokesman that he would have no comment on this story.

A Pentagon spokesman also declined to comment, and retired Army Gen. Earle Wheeler, the chairman of the Joint Chiefs of Staff at the time, could not be reached for comment. Sources said Wheeler reviewed most of the messages from antiwar leaders and initialed them with a "W."

One source within the intelligence community said the communications intercepts were confined to international cables. Two other sources, however, said the NSA interceptor a limited number of domestic communications as well.

There is no indication that the method for intercepting communications involved conventional wiretapping. Instead, the sources said, the information came from various air-wave interceptions such as from microwave stations that are used to transmit or relay telephone calls and telegrams.

[From the New York Times, Oct. 15, 1975]
FORD AIDES SEEK TO MODIFY LAWS ON SPYING METHOD—THE ATTORNEY GENERAL WOULD RULE ON LEGALITY OF N.S.A. ELECTRONIC SURVEILLANCE

(By Nicholas M. Horrock)

WASHINGTON, Oct. 14.—The Ford Administration has become convinced that a significant part of the National Security Agency's foreign intelligence gathering, though vital, may be of "questionable legality" and it has devised a plan by which it hopes to continue such operations while protecting the rights of Americans, according to highly placed Administration sources.

The sources said today that the bulk of the law limiting electronic eavesdropping was developed in connection with domestic criminal investigations and as one source put it, "National security needs were not given significant consideration." The result, the sources said, was that the N.S.A.'s massive electronic surveillance techniques may have been in "technical violation" of the law.

President Ford, they said, is considering an Executive order that would empower Attorney General Edward H. Levi to approve or disapprove specific electronic intrusions by the security agency. The plan is not complete and several sources were concerned that publication of its detail might endanger national security.

AN AUTHORIZED INTRUSION

But these details were pieced together from several interviews with Administration sources:

The security agency's advanced technology has made it possible for the agency to scan thousands of telephone calls, cables and other wire and radio communications and select those with valuable national security data.

The proposal Mr. Ford is considering would require that when the agency records a communication it believes contains important intelligence data, the agency would notify the Attorney General and he would authorize a national security intrusion. If the Attorney General did not give his approval, the recordings would be destroyed, under the proposal.

If such approval was received, the security agency would then be able to disseminate the information to other intelligence agencies, including the Central Intelligence Agency and the Federal Bureau of Investigation.

The operations of the security agency, which has 20,000 employees and an estimated budget of \$1.2-billion a year, are regarded by the Administration as the "top priority" in intelligence-gathering techniques, the sources said. "If the public could know some of the things they've done over the past two years it would be justly proud," one source said.

But at the same time, these sources said, the agency's technology has "outstripped" current law in the United States, particularly domestic criminal law, which deals mainly with wiretapping and room bugging. However, several Administration lawyers contended, the domestic laws and court decisions are "vague" and "ambivalent."

Ultimately, Administration sources said, Mr. Ford may decide to ask Congress for new legislation to cover "space age" electronic surveillance techniques. The proposal to assign decision making responsibility to the Attorney General would provide a test period to discover just what new law is needed, they said.

What has made the agency's techniques particularly difficult to match with current law or practice is that the agency makes an intrusion on a communication before it knows the conversation or cable contains matters of national security.

At the same time recent court decisions have been slowly limiting the Government's power to conduct warrantless national or domestic security electronic surveillance.

A recent decision in the United States Court of Appeals for the District of Columbia said that the Government should obtain a warrant before it eavesdrops on an American citizen in a national security case unless it can establish that he is an agent of a foreign government.

AGENCY OPERATES IN SECRECY

A large part of recent law and legislation was formed without any real knowledge of what the super-secret National Security Agency was doing.

But under the pressure of the Congressional investigations and the Rockefeller commission investigation of intelligence agencies, what some Administration aides called "bothersome indications" of unacceptable activity began to emerge.

The indications included the following:

In June, the Presidential commission on the C.I.A., headed by Vice President Rockefeller, reported that an unnamed agency of the Government had supplied 1,100 pages of materials on dissident Americans gleaned from communications between the United States and foreign countries. In August, Government sources confirmed that the agency was the N.S.A. and that a "watchlist" of names included numerous leaders of the American antiwar movement. There is no indication that any Attorney General approved these eavesdroppings or obtained a court order for them.

In early September, The New York Times reported that in addition to spying on anti-war leaders, the security agency had intruded on virtually every cable or printed matter transmission that entered or left the United States. The result, sources told The Times, was that the agency intruded on communications that might have nothing to do with national security.

Senator Frank Church, Democrat of Idaho, chairman of the Senate Select Committee on Intelligence, warned in a television interview that the current bugging technology "could be turned around on the American people and no American would have any privacy left."

When Senator Church's committee sought to hold public hearings on the security agency last week, President Ford called Mr. Church personally and asked him to permit Attorney General Levi to argue the Administration's case against investigating the agency in public. The committee voted to put off hearings for the present and study the Administration's plea.

Mr. Levi, responsible sources said, presented the committee in this closed session with the legal complications of the agency's role. According to a report in The Los Angeles Times, the committee had independently learned that some of intelligence data gathered by the agency was routinely sent to the F.B.I. and may have been used in domestic cases.

Administration sources said that their role was to preserve the agency's foreign intelligence capability while avoiding illegal or unconstitutional intrusions on Americans. However, they resist the current legal view that suggests the courts should decide what justifies a national security electronic surveillance.

[From the Los Angeles Times, Oct. 11, 1975]
GLOBAL MONITORING SYSTEM PROVIDED FBI INFORMATION

(By Robert L. Jackson and Ronald J. Ostrow)

WASHINGTON.—A worldwide electronic monitoring network of the National Security Agency was about to be disclosed last week when Senate hearings were abruptly postponed, The Times has learned.

Investigators for the Senate Select Committee on Intelligence Activities had planned to disclose that the NSA for years had

provided FBI officials with information gleaned from overseas phone calls and cables.

The NSA's data are obtained from a highly sophisticated computer system that has monitored foreign telephone calls and cables on a vast scale, according to knowledgeable sources.

A former high-ranking member of the U.S. intelligence community told The Times that this system had "an amazing capability"—beyond that of most other nations.

According to this official and another source involved in the system, the NSA gave the FBI secret data, purportedly for domestic security reasons.

But it was understood that the Justice Department, the parent organization of the FBI, had curbed this arrangement within the last two years because it had become difficult to separate domestic security intelligence from information that could have a bearing on criminal cases.

Department officials feared that criminal cases against U.S. citizens could be legally tainted if they were based, at least in part, on phone calls recorded without a warrant.

One source said that this practice had constituted "bad judgment" on the part of the FBI, although it was legal.

Another defended the NSA's overseas electronic surveillance in these words, insofar as it affected the FBI:

"It doesn't violate the law. It doesn't require burglary and doesn't require opening mail. It's a pretty healthy capability in terms of civil rights."

However, a Justice Department official questioned whether information gathered by electronic surveillance outside the United States would be admissible in a criminal proceeding.

"It is unclear to what extent the Fourth Amendment (guarantee against unreasonable search and seizure) would apply overseas," he said. Even a noncitizen overseas has some Fourth Amendment right if the stuff is going to be used in criminal proceedings here."

On the eve of the scheduled Senate hearings, Atty. Gen. Edward H. Levi, at the request of President Ford, paid a visit last Tuesday to Chairman Frank Church (D-Ida.) and the other committee members.

According to committee spokesman Spencer Davis, Levi made a "generalized appeal" for postponement of the hearings on national security grounds. The panel voted to honor the Administration's request until the matter could be explored further.

"The committee was not trying to destroy the electronic surveillance capabilities of the NSA," a committee source said. "The abuse of these capabilities was the reason for our hearings. We were not about to reveal the techniques."

Those techniques are so sensitive they cannot be described publicly, The Times' sources said.

According to knowledgeable officials, the NSA monitors millions of overseas phone calls, as well as those within foreign countries, as part of its code-breaking and foreign intelligence-gathering operations. In addition, it intercepts certain radio and cable communications.

The agency does not monitor domestic phone calls, they said, although U.S. citizens may be overheard when they are parties to overseas calls. Because the quantity is so large, the NSA uses computers to screen out conversations that have no intelligence value, one source said.

These computers are programmed to scan conversations and record those in which key words are used, including the names of particular persons or organizations.

The Senate committee is also understood to be investigating evidence that the FBI furnished the NSA with a list of U.S. citizens whose overseas calls were of interest to the bureau.

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Congressional sources said that the FBI, in turn, assisted the NSA by breaking into foreign embassies to obtain code-books and other material to help the agency decipher intercepted messages.

[From the New York Times, Aug. 6, 1975]
OPENING OF MAIL IS TRACED TO FBI—AGENCY CONCEDES OPERATION—DECLARES PURPOSE WAS "TO THWART ESPIONAGE"

(By John M. Crewdson)

WASHINGTON, Aug. 5.—Agents of the Federal Bureau of Investigation opened and photographed foreign and domestic mail at several sites in the United States beginning in 1958 and continuing until possibly 1970, according to a source with direct knowledge of the secret operation.

The source said that the openings were centered in New York and Washington, where they involved chiefly mail addressed to Soviet-bloc embassies and missions to the United Nations, but occurred also in other cities, including San Francisco.

STATEMENT BY F.B.I.

He said that the openings, known within the F.B.I. as "Z-covers," were accomplished without the authority of judicial search warrants, and were thus a violation of Federal statutes prohibiting obstruction of the mails. He added that the openings had been made with the assistance of "certain officials of the Post Office [who] knew what the F.B.I. was doing."

Asked about the source's assertions, an F.B.I. spokesman issued the following statement:

"In connection with its foreign counter-intelligence responsibilities, the F.B.I. did engage in opening of mail until 1966, when former Director J. Edgar Hoover ordered the activity to be discontinued.

"The motive behind it was solely to carry out F.B.I. counterintelligence responsibilities in order to thwart espionage efforts directed against the United States by foreign powers.

"No activities of this nature were undertaken by the F.B.I. after 1966."

A spokesman for the Postal Service said that his agency would have no comment on the report "at this time."

The source's account and the bureau's unusual confirmation of part of his account represent the first disclosure that, like the Central Intelligence Agency, the F.B.I. also participated in the opening and photographing of parcels and letters it believed to be of some intelligence value.

The New York Times reported yesterday that Justice Department lawyers investigating alleged wrongdoing by the C.I.A. had concluded that the agency's "mail intercept" program, which lasted from 1953 until 1973, had violated Federal statutes protecting the sanctity of first-class mail.

The same standards would presumably be applied by the Justice Department to the F.B.I.'s "Z-covers," although, as with the C.I.A. investigation, a key question would be whether the openings took place within the last five years.

That is the period in which, according to the Federal statute of limitations violations of Section 1702 of Title 18 of the United States Code, which prohibits the detention or opening of the mails without a search warrant, must have taken place if they are to be prosecuted.

Asked whether any attempt had been made to obtain search warrants in the "Z-cover" program, the source said that the senders and recipients of the letters had not been the subjects of a criminal investigation by the bureau.

"How could you get a warrant?" the source asked rhetorically.

The year 1966, given as the cutoff date for the mail openings is the same year, according to Clarence M. Kelley, the F.B.I. director, that

bureau agents stopped committing burglaries to gain foreign intelligence information.

STOLEN LETTER CITED

There have been reports, however, that although Mr. Hoover apparently trimmed back the bureau's counterespionage effort in 1966, such break-ins continued on a less formal basis, and there are also indications that the mail openings persisted as well.

The source cited, for example, a copy of a letter that was stolen from the F.B.I.'s office in Media, Pa., in 1971 and subsequently made available to several newspapers.

That letter, dated Nov. 30, 1970, was from Thomas E. Ingerson, a Boy Scout leader from Moscow, Idaho, to the Soviet Embassy in Washington and contained a request for information about a prospective visit to the U.S.S.R. by his troop of six Explorer Scouts.

Asked how, if the mail openings were halted in 1966, the 1970 letter found its way to the F.B.I.'s files, the bureau spokesman replied that this agency would stand on its statement.

One Justice Department source said, however, that after 1966 the F.B.I. continued to receive copies of correspondence produced by the C.I.A.'s mail intercept program, which at that time was also centered in New York and San Francisco.

JUNE REPORT RECALLED

One well-informed source said that he was virtually certain that the Idaho letter, which he said was "discussed quite a bit" within the bureau after it had become public, had been obtained by the F.B.I. as a result of a "Z-cover."

Another well-placed source said, however, that after 1966 the F.B.I. continued to receive copies of correspondence produced by the C.I.A.'s mail intercept program, which at that time was also centered in New York and San Francisco.

The source suggested that the Idaho letter might have been provided to the F.B.I., by the C.I.A., rather than obtained directly by the F.B.I., which, if true, would represent the first known instance in which the C.I.A. tampered with mail from one domestic address to another.

A commission appointed last January by President Ford to look into the C.I.A.'s domestic activities reported in June that the agency, over a 20-year period, had opened and examined mail between the United States and various Communist countries.

The commission, which was headed by Vice President Rockefeller, reported that in January, 1968, the F.B.I. approached the Post Office Department "for the purpose of instituting similar coverage of mail to and from the Soviet Union."

The bureau was told, the commission reported, that the C.I.A. was already conducting such an effort, and an agreement was subsequently reached in which "the C.I.A. would send to the F.B.I. mail project items which were of internal security interest."

The commission report said, however, that "the bureau agreed with the C.I.A.'s suggestion that the project should be handled by the C.I.A. alone."

[From Newsweek Magazine, July 28, 1975]

THE FBI'S "BLACK-BAG BOYS"

(NOTE.—Every foreign intelligence agent had suspected it and every major mafioso had known for sure, but last week director Clarence Kelley made it official: the FBI, he reported, has in the past made "surreptitious entries" into various places, foreign embassies included, to obtain what it felt was important information. Kelley said the break-ins began during World War II and were largely discontinued by J. Edgar Hoover in 1966, and he implied they were legal because the agents "acted in good faith." But the disclosure touched off a major furor: Attorney General Edward Levi promised a

criminal investigation, several foreign ambassadors called the White House to learn whether they had been targets, and Presidential counsel Philip Buchen berated Levi for not keeping Kelley "on a shorter leash." Most intriguingly, the director's disclosure also set other tongues wagging. Newsweek's Anthony Marro pieced together this story of the FBI's after-hours adventures.)

The FBI agents usually went in clean; no badge, no guns, no credentials. Almost always they wore the standard uniform of suit and tie, but with labels and cleaners' markings removed. "It was your ass if you got caught," recalled a former agent who said he had taken part in many break-ins. "You were told, 'If you get caught, you're on your own.'" They were known as "black-bag teams" or "black-bag boys" and they usually consisted—at a minimum—of a locksmith, a lookout and a couple of men to do the ransacking. Depending on the purpose of the break-in, one of them would know how to use a camera or install a bug. Sometimes a "slugger" was sent along to intercept unexpected visitors. "We had guys who, if they went bad, would be the best second-story men in the world," boasted one former agent.

Over the years, a Justice Department official told Newsweek's Stephen Leshner, the FBI conducted about 1,500 break-ins of foreign embassies and missions, mob hangouts and the headquarters of such extremist groups as the Ku Klux Klan and the American Communist Party. Embassy break-ins, averaging one a month by one estimate, were usually staged to get information that could help the National Security Agency break foreign codes.

Bugs: One top source said last week that he never knew of a case in which the FBI planted a bug in an embassy; if the code were cracked, no bug would be needed anyway and, besides, a diplomatic bug was almost sure to be found. But break-ins against organized-crime figures and U.S. Communists were almost always to plant bugs. "They had bugs in mob apartments all over New York," said one government investigator.

A break-in at a mob office in Brooklyn, for example, might employ only a lookout, a driver for a getaway car and a couple of agents. But a break-in at a major embassy or mission would require not only a skilled team, but dozens of agents to fan out across the city and watch all of the 50 to 60 persons known to have keys to the building. The agents who entered usually would take in sensitive cameras (capable of taking pictures without a flash) and small copying machines that could be folded into a suitcase. "They wouldn't read anything," said one FBI source. "They'd just copy everything in sight." The agents would photograph the coding machine from every possible angle, then copy messages and replace the originals. The idea was that the National Security Agency would have intercepted incoming coded messages and the FBI would have decoded copies. That, plus the photographs, might enable the NSA to break the code.

Two sources said that the FBI actually smuggled out an entire coding machine about fifteen years ago. Borrowing a truck and uniforms from a garbage collection company, agents drove into the yard of the Czech Embassy in Washington and waited near an open window, through which a Czech defector passed not only the machine but nearly a truckload of files. "They were so excited that they forgot to pick up the garbage," said one source. The next morning, the FBI filmed the results from a hide-out. "One of the funniest things you'd ever see," the source said, "was the film of the Czech deputy chief of security going to the Soviet Embassy with his hat in his hand. The Czechs couldn't even wire Prague to tell them what had happened. They had to go to